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# OFFICER PERSONNEL

AMENDMENT TO ARMY APPROPRIATION ACT FOR 1923

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## HEARINGS

BEFORE THE

COMMITTEE ON MILITARY AFFAIRS

HOUSE OF REPRESENTATIVES

SIXTY-SEVENTH CONGRESS

SECOND SESSION

ON

### H. R. 12398 and H. R. 12493

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TUESDAY, AUGUST 29, 1922, AND  
THURSDAY, AUGUST 31, 1922

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#### STATEMENTS OF

Hon. CHARLES F. CURRY, California

Maj. JAY L. BENEDICT, United States Army

Maj. Gen. JAMES G. HARBORD, Deputy Chief  
of Staff, United States Army

Hon. DANIEL R. ANTHONY, Jr., Kansas

Maj. T. W. HAMMOND, United States Army



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COMMITTEE ON MILITARY AFFAIRS.

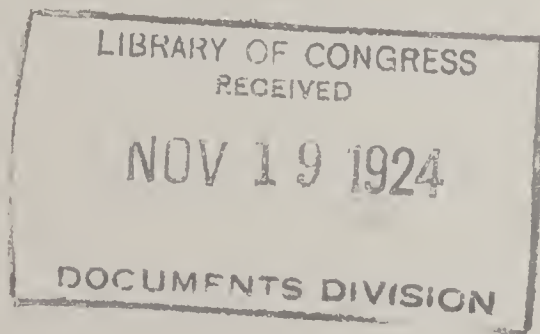
HOUSE OF REPRESENTATIVES.

SIXTY-SEVENTH CONGRESS.

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## OFFICER PERSONNEL AMENDMENT TO ARMY APPROPRIATION ACT FOR 1923.

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COMMITTEE ON MILITARY AFFAIRS,  
HOUSE OF REPRESENTATIVES,  
*Tuesday, August 29, 1922.*

The committee this day met, Hon. John C. McKenzie (acting chairman) presiding.  
Mr. McKENZIE. We will now hear Mr. Curry in reference to H. R. 12398, a bill introduced by him to amend the Army appropriation act for the current year.

### STATEMENT OF HON. CHARLES F. CURRY, REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA.

Mr. CURRY. Mr. Chairman, H. R. 12398 was introduced by me with the intention to correct an error which I think was made in the Army appropriation bill providing for the reduction of officer personnel.

You will remember when the bill was before the House it was understood, and it was stated on the floor, that the bill would reduce the Army officer personnel by 600. When the plucking board was appointed and got to work, it developed that instead of reducing the Army officer personnel by 600 the bill would reduce it by 1,716, including officers from the rank of colonel down to captain.

Those men who have served for years in the Army and who have been trained by the Government are the most valuable officers in the Army. Under the act the captains and the colonels in particular would be plucked, and the number of officers would be filled up as a result of the examination of young men from private life, taken in as lieutenants. It would, in my opinion, be a serious detriment to the War Department and to the national defense.

I discussed the matter with some of the members of this committee and some other Members of the House, together with some men who are not in Congress and with Mr. Osborne, my colleague from California, who is a member of the Appropriations Committee, and who approves of my bill. I have not discussed the matter with the Secretary of War or with General Pershing. The Secretary of War, I know, would like to have the Army officer personnel kept at 13,000. But the bill I have introduced will not increase the Army officer personnel over the 12,000 provided for in the Army appropriation act, and it will reduce the amount of money necessary to be expended this year. The Secretary, I understand, has filed a favorable report on my bill with your committee.

The condition was called to my attention first of all by my son, C. F. Curry, jr., who, the day after we voted to declare war, enlisted and served in France and in Germany with the army of occupation and stayed over there several months after the armistice was signed, and then came home and was mustered out as a captain in the Aviation Corps Reserve. He has taken an interest in the Army, and he called this matter to my attention. It was also called to my attention by Mr. E. B. Johns, of the Army and Navy Journal, whom I have known intimately for the past 10 years.

I also received a letter from Col. A. W. Bradbury, formerly assistant adjutant general of the State of California. After I received this letter I thought something ought to be done to rectify the error Congress had made, not intentionally. Perhaps it was not an error, but it has turned out to be a detriment in the administration of the law. I do not think the War Department can do anything else than it is doing under the provisions of the law which Congress passed.

If there is no objection, I will read Col. Bradbury's letter. He is a splendid man, a splendid officer, who served in the Spanish-American War and in the late war, and who did more to make the California National Guard what it was than any other man. In his letter he says:



PORTLAND, OREG., *August 10, 1922.*

HON. CHARLES F. CURRY,  
*House of Representatives, Washington, D. C.*

MY DEAR MR. CURRY: I am taking the liberty of writing to you at this time relative to the recent action of Congress in reducing the personnel of our Army and the detrimental and grievous effects thereof. It is probable that this matter has already been brought to your notice and that you are thoroughly cognizant of the situation. If so this letter will perhaps do no good, but if not it will, I hope, do no harm.

In the beginning let me say that my experience at Sacramento has taught me the utter impossibility of our legislators giving close study to each and every measure that comes up for passage; therefore I feel certain that the recent congressional action concerning our Military Establishment probably did not receive the study and attention by individual Members of the House and Senate that it deserved, and that the whole matter was largely left to subcommittees to handle. I fully understand that this procedure is necessary in most cases, otherwise the great mass of business that it is required of Congress to transact would never be accomplished, but it was unfortunate in the matter in question, for I feel sure that could each Member of Congress personally see and understand the utter demoralization of the Military Establishment caused by the recent reduction of the enlisted and commissioned personnel; the absolute overturning of plans that have been years in the making and that were based upon a military policy established by Congress itself upon its passage of the amended national defense act, a policy that the War Department and all military men had every reason to believe to be a permanent one; the tremendous drop in the morale of the commissioned and enlisted personnel alike; the discouraged and hopeless feeling of officers of long service who have no other profession or calling in life and who have reached the age when it is next to impossible to start life anew, but who now are confronted with the loss of their means of livelihood; the great loss to the country itself by the elimination of efficient and experienced officers which must occur if the present legislation is to stand, many of whom served with honor and distinction overseas in the late war and whose valuable training and experience, gained in the crucible of actual conflict upon the field of battle, will be irrevocably lost to the Nation and who will be supplanted by others of little or no experience; the discouragement that younger officers feel regarding the future of their profession when they realize what may be in store for them in time to come if they remain in the service; and, furthermore, the difficulty that will hereafter be experienced in obtaining suitable officer material from our young men when they stop to figure, as they will, the insecurity of their tenure of office should they adopt the Army as a profession. I repeat that I feel certain that could the Members of the Congress realize and understand all these things that the majority of them would hasten to vote for a resolution to repeal the act that has brought them about; therefore the reason for this letter with the hope of putting the situation before you in a light perhaps not heretofore presented.

I do not know how you voted upon the matter nor do I know your ideas regarding this subject, but be that as it may, I am sure that press comments have shown that the country at large is not in sympathy with the sweeping reduction made, particularly as to the commissioned personnel, which, in view of our military policy of maintaining a small regular army must be depended upon for the training of the National Guard and reserves, and consequently must be kept at a numerical strength very considerably in excess of the number merely necessary to officer the regular forces. All of us realize the necessity of practicing economy in the expenditures of public funds at this time and if real economy were to be effected by this cut in the Army personnel without entailing vastly larger future expenditures, both in money and sacrifice of life, there would be no criticism to offer. However, I venture to say that a searching investigation of the saving to be made by this reduction will reveal that practically no immediate or future saving will result, but on the contrary, that the foundation has been laid for untold future expenditures of money and human life when the next emergency comes upon our Nation, and come it will in time.

I realize that I have perhaps taken an unwarranted liberty by occupying so much of your valuable time, but being a Californian, a native son, and knowing you as I think I do, I have taken that liberty. May I not hope that you will interest yourself in this matter with a view to assisting in effecting the passage of some measure by the present Congress that will at least modify, if not repeal, the harm done to the Army and to the Nation by legislation which many believe to have been voted for by most Members of Congress without the consideration it deserved, owing perhaps to the press of work due to an unusually busy session. I am sure, Mr. Curry, that should you do this you will by no means find yourself alone in the effort, and



that it will meet with the approval of your constituency and the people of our native State, to whom the subject of the national defense should be of the greatest importance.

With kindest personal regards, I am, sincerely,

A. W. BRADBURY,  
*Formerly Assistant Adjutant General of California.*

Now, I want to make a short statement in reference to the bill. I would like to say that I have had prepared a comparative statement showing the number of officers in each grade.

Mr. PARKER. Can you read that, Mr. Curry? That is the important part of it.

Mr. CURRY. I will do that, but I would like to make a statement about the bill first.

The bill which I have introduced and which is now before your committee for consideration is actuated solely by a sincere desire to further the national defense of the Nation. The Army is an institution for which we all have the greatest respect and which we recognize as one of our most vital assets. In that Army the permanent personnel is confined largely to commissioned officers. The enlisted men come and go. The officers give up all prospects of other pursuits or professions and devote their lives to a military career.

Without an adequate and efficient group of these permanent professional officers we can not expect to have a Regular Army worthy of the name and at the same time have a proper development of the great citizen army upon which we rely for the national defense. It is only men who make the military profession their life work who can prepare us in time of peace for the emergency of war and who can insure our having the trained leaders to direct our war Army.

The body of officers maintained must be sufficient in number and of the highest standard. The smaller the number who must perform certain allotted tasks, the greater must be their individual and collective efficiency. As in every other phase of Government activity, that which is desirable must be weighed against its cost and a reasonable balance struck. The officer personnel provided for in the Army appropriation act has been reduced far beyond the safe limits of reduction.

Aside from the new total of 12,000 officers that are authorized—which, by the way, is nearly 6,000 less than the number authorized by the national defense act of 1920—grave errors have been made in the distribution of the 12,000 officers and in the manner of passing from the old to the new authorized numbers.

The errors I refer to are the provisions of the existing law that will reduce the actual number of officers far below 12,000, that will throw several hundred effective officers out of the Army, and that will injure the morale and efficiency of those who remain by causing them to stagnate in grades entirely incommensurate with their length of service and responsibilities. Ostensibly designed to correct a condition of top-heaviness, the existing law has swung too far in the opposite direction. The ill effects of the existing law are far reaching and permanent. It is not too late to remedy them and it should be done at once. H. R. 12398 is designed to accomplish this.

This bill assumes that it is the desire of the Congress to fix the total authorized number of officers at 12,000. It recognizes the fact that in the reduced Army there should be a higher proportion of officers in the ranks that are suitable for the important detached duties for which a large part of our officers must be used—the ranks from colonel to captain, inclusive. It recognizes the condition that, in our reduced force, a smaller proportion of lieutenants is appropriate. It further recognizes the necessity of continuously maintaining at approximately full strength the authorized total of 12,000 instead of going far below that number and, in this process, literally kicking out of the service valuable and effective officers. It recognizes the fact that the high standard necessary must be encouraged by a reasonable degree of advancement to rank commensurate with an officer's duties and length of service. It recognizes the fact that maximum efficiency can not be expected from our reduced officer body if, after the adjustments are completed, it is composed in part of officers who have been deprived of the rank they formerly held, in many cases as a result of war service, and who must face a long and exceedingly slow process of advancement to restore that rank. It recognizes the fact that it is the poorest form of economy to force out of the service officers of experience and training to be later replaced by inexperienced lieutenants who will be slowly acquired and trained.

And, with all its manifest advantages, the modifications proposed by this bill cost practically nothing. The bill should actually save money for the current fiscal year, as a less expenditure will be necessary to retain officers in the service than is necessary to discharge them with a year's pay. The more appropriate distribution in grades will not materially increase future costs. It is the principle of recent pay legislation that pay is based largely on length of service and not solely upon rank as was heretofore the case. By withholding appropriate rank an augmentation of pay commensurate



with length of service is not withheld. Why, in the name of common sense, should officers not be given rank commensurate with their jobs and with their pay.

I do not wish it understood that any wholesale promotion will result from this bill. The changes proposed in the percentage of officers in the various grades are exceedingly small. They will not bring about any undue promotion but will merely alleviate somewhat the certain stagnation that stares the Army in the face should the percentages for a much larger force, as set forth in the act of June 4, 1920, be adhered to.

Section 11 of the bill is designed to remove the arbitrary limit of 800 officers who may either be demoted or held as additional officers in their grades. If any officers are to be held as additional or demoted, the number should be in the discretion of the board of general officers charged by the law with the difficult task of readjustment. Under the bill under consideration the board must bring the total number of officers down to at least 12,000 and is unhampered by an arbitrary restriction of 800, which would force a reduction considerably below 12,000 and which limits the board in the discretion it may exercise.

I am not posing as a military expert and do not wish to take up the time of this committee in the discussion of details. Your experience and knowledge of the subject in this respect transcend my own. Should a discussion of details be desired, I commend to your consideration of continuing what I believe is the policy of your committee of calling upon the Secretary of War to send before you officers whose business it is to study and thoroughly understand the details of personnel legislation and conditions. I am, however, submitting for your consideration some tabulated statements of the effect of this bill.

I have here a table showing the comparative authorized strength in officers. This table shows that under the act of June 30, 1922, there are 75 general officers and professors, and the same number is provided for under my bill; 420 colonels are provided for under the act of June 30, 1922, and 470 under the provisions of my bill. Under the act of June 30, 1922, 577 lieutenant colonels are provided for and 575 under my bill. There are 1,575 majors provided for under the act of June 30, 1922, and 1,725 under the provisions of my bill. Under the act of June 30, 1922, 3,150 captains are provided for, while the number provided for under my bill is 3,450. Under the act of June 30, 1922, 2,967 first lieutenants and 1,771 second lieutenants are provided for, making a total of 4,738 lieutenants. Under my bill I have not segregated first and second lieutenants, but put them all under the head of lieutenants, with a total of 4,230, which would be a reduction of 508 lieutenants.

In the Medical Corps 983 officers are provided for under the act of June 30, 1922, and 985 under the provisions of my bill. In the Dental Corps 158 officers are provided for under the act of June 30, 1922, and 160 under the provisions of my bill. In the Veterinary Corps 126 officers are provided for under the act of June 30, 1922, and 125 under my bill. In the Medical Administrative Corps 72 officers are provided for under the act of June 30, 1922, and 75 under the provisions of my bill. In Chaplains Corps 125 officers are provided for under the provisions of the act of June 30, 1922, and 130 under the provisions of my bill. Under the provisions of the act of June 30, 1922, the total number of officers provided for would be 11,999, whereas under the provisions of my bill exactly 12,000.

I have also a table showing the comparative percentages of the total number of officers authorized under the act of June 30, 1922, and under the provisions of my bill. If there is no objection I will put that in the record, together with this other table, so you can examine those figures.

(The tables referred to are as follows:)

TABLE I.—*Comparative authorized strength in officers.*

	Number under act of June 30, 1922.	Number under H. R. 12398.
General officers and professors.....	75	75
Colonels.....	420	470
Lieutenant colonels.....	577	575
Majors.....	1,575	1,725
Captains.....	3,150	3,450
First lieutenants..... 2,967	4,738	4,230
Second lieutenants..... 1,771		
Medical Corps.....	983	985
Dental Corps.....	158	160
Veterinary Corps.....	126	125
Medical Administrative Corps.....	72	75
Chaplains.....	125	130
Total.....	11,999	12,000



TABLE II.—Comparative percentages.

	Percentage of total number of officers (12,000) authorized.	
	Under act of June 30, 1922.	Under H. R. 12398.
General officers and professors.....	0.625	0.625
Colonels.....	3.5	3.9
Lieutenant colonels.....	4.8	4.8
Majors.....	13.1	14.4
Captains.....	26.25	28.75
First lieutenants.....24.7	39.45	35.25
Second lieutenants.....14.75		
Medical Corps.....	8.2	8.2
Dental Corps.....	1.3	1.33
Veterinary Corps.....	1.05	1.05
Medical Administrative Corps.....	.6	.625
Chaplains.....	1.04	1.08

	Percentages of the total authorized for grades from colonel to lieutenant, inclusive.	
	Under act of June 30.	Under H. R. 12398.
Colonels.....	4	4.5
Lieutenant colonels.....	5.5	5.5
Majors.....	15	16.5
Captains.....	30.1	33
First lieutenants.....28.4	45.3	40.5
Second lieutenants.....16.9		

Mr. McKENZIE. May I ask you a question right there?

Mr. CURRY. Certainly.

Mr. McKENZIE. Can you state offhand in what particular your bill would change the percentages in the various grades as compared with the Army reorganization act?

Mr. CURRY. I have the total here.

Mr. McKENZIE. What I mean is this: Under the Army reorganization act we provided that there should be a certain number of colonels, a certain number of lieutenant colonels, and so on, fixing the percentage in each grade. Does your bill make any change in that particular?

Mr. CURRY. Do you mean the Army reorganization act or the appropriation act?

Mr. McKENZIE. I am referring to the Army reorganization act.

Mr. CURRY. I have not attempted to compare it with the Army reorganization act but Colonel Benedict is here and he can tell you about that. I have the percentages under the act of June 30, 1922, and under my bill, and those are included in the table which I have inserted in the record.

Mr. McKENZIE. My reason for asking the question was this: Those questions were carefully worked out in this committee at the time the Army reorganization act was under consideration.

Mr. PARKER. They were worked out for a larger Army and that made a great difference because more officers were in the line.

Mr. CURRY. I have here a table showing the comparative reduction in the different grades and branches from June 30, 1922, to January 1, 1923, and I think that information will be of interest to you. I have also a table showing the comparative total strength in officers on January 1, 1923, under the act of June 30, 1922, and under my bill. If there is no objection, I will insert those tables as a part of my remarks.

(The tables referred to are as follows:)

TABLE III.—*Comparative reduction in grades and branches, June 30, 1922, to January 1, 1923.*

	Under act of June 30, 1922.	Under H. R. 12398.
Colonels.....	149	99
Lieutenant colonels.....	90	92
Majors.....	616	466
Captains.....	1,235	935
First lieutenants.....	59	0
Total.....	2,149	1,592
Maximum who may be held as additional or demoted.....	800	<sup>1</sup> 1,068
Minimum elimination.....	1,349	524
Medical Corps.....	143	141
Dental Corps.....	76	74
Veterinary Corps.....	32	33
Medical Administrative Corps.....	66	63
Chaplains.....	50	45
Total.....	367	356
Total minimum elimination required.....	1,716	880

<sup>1</sup> This number is discretionary but may not be greater than 1,068, as the total number of officers on Jan. 1, 1923, can not exceed 12,000. If the board fixes a number less than 1,068 the elimination will be correspondingly increased and the resultant strength on Jan. 1, 1923, correspondingly decreased below 12,000.

TABLE IV.—*Comparative total strength in officers, January 1, 1923.*

	Under act of June 30, 1922.	Under H. R. 12398.
Strength, June 30, 1922.....	12,880	12,880
Minimum elimination.....	1,716	<sup>1</sup> 880
Strength, Jan 1, 1923.....	11,164	<sup>1</sup> 12,000
Minimum procurement of second lieutenants necessary to reach authorized total strength of 12,000.....	836	0
Total authorized strength.....	12,000	12,000

<sup>1</sup> This number is discretionary but may not be greater than 1,068, as the total number of officers on Jan. 1, 1923, can not exceed 12,000. If the board fixes a number less than 1,068 the elimination will be correspondingly increased and the resultant strength on Jan. 1, 1923, correspondingly decreased below 12,000.

Mr. McKENZIE. May I ask you a question right there, for the benefit of the record?

Mr. CURRY. Certainly.

Mr. McKENZIE. At the time of the passage of the appropriation act the assumption was that there were about 900 officers to be eliminated, but from the time General Pershing appeared before this committee recommending the reduction and up to the time of the passage of the appropriation act there had been eliminated by retirement or otherwise, three or four hundred officers, and I think that accounts for the number in the bill being only five or six hundred, instead of nine hundred.

Mr. CURRY. No: you will remember that on the floor of the House Mr. Anthony said the maximum number that would be eliminated would be 600, and that was what the majority of the Members of the House voted for. I do not think the House voted to disrupt the Army officer personnel at all, and the eliminations preceding the operations of the plucking board were not taken into consideration in this statement I have made.

Mr. PARKER. Have you brought that matter to Mr. Anthony's attention?

Mr. CURRY. I have not had an opportunity to see Mr. Anthony. I tried to see him but he was at home for the campaign. This is a matter of so much importance that I could not wait until he returned, and without seeing Mr. Anthony, but after having discussed the matter with a number of members of the House and some people on the outside who are not in the Army, I thought it was necessary to take the action which I took.

Mr. PARKER. I opposed that proposition with all my might on the floor of the House but we have to have aid from the leaders of the House, and I wondered whether Mr.



Madden would be impressed by the statements of the officers in reference to this matter.

Mr. CURRY. I have discussed the matter with Mr. Mondell, but not with Mr. Madden. Mr. Madden is the chairman of the Committee on Appropriations, and that committee is supposed to appropriate money in accordance with existing law. I do not think Mr. Madden has given any particular personal attention to the Army situation. Mr. Madden has been in Europe and has just recently returned. I saw him yesterday but did not discuss the bill with him. Of course, Mr. Anthony was a member of this committee, and from this committee was appointed on the Committee on Appropriations with the intention that he should handle the appropriations for the military arm of the Government. I am satisfied Mr. Anthony would wish to have the error corrected.

Mr. McKENZIE. I will say, knowing his disposition, that I have invited him to appear before this committee and state his views in connection with this matter.

Mr. CURRY. I hope he will come before this committee.

Mr. HULL. You understand that under the present organization of the House and the arrangement of the committees, while this committee is supposed to be a legislative committee in reference to Army matters, the Committee on Appropriations is the legislative committee for all other committees, and when the Army appropriation bill passed they put in that clause, which was legislation pure and simple, and nullified the national defense act. I do not think there was a member of this committee who thought that should pass, but we were helpless at that time, and I presume we are helpless to-day. I will say this, that I think it is true that any measure going to the root of this situation to correct the injustice that might be done will have to meet with the approval of the Committee on Appropriations.

Mr. CURRY. This bill which I have introduced will not be acted upon directly or indirectly by the Committee on Appropriations. It does not increase the appropriation which was carried in the Army appropriation bill one dollar. Under the provisions of this bill instead of more money being necessary for the next fiscal year, less money will be necessary; I do not know exactly how much, but I have asked the War Department to compile a statement for me, showing as nearly as possible the amount of money necessary under my bill. I know it will be less than the amount carried in the appropriation bill.

It is the duty of this committee to consider the needs of the War Department. It is the duty of this committee to recommend bills and report out bills in reference to the organization of the Army. This committee has had the right of appropriation taken away from it, but after your bills are enacted and on the statute books, the duty of the Committee on Appropriations is to see that the proper amount of money is appropriated to carry the will of Congress into effect. I do not believe the Committee on Appropriations intended to reduce the Army officer personnel below 12,000.

Mr. PARKER. I do not know whether it is a rule or the practice that where the House passes a bill at a certain session it will never allow the same subject to be considered in another bill in the same session.

Mr. CURRY. There is no such rule that I know of.

Mr. PARKER. I think there is some precedent of that sort.

Mr. CROWTHER. Is it not true that the members of the Subcommittee on Appropriations are really masters of the situation, and they can practically nullify legislation by reducing the amount of money which they appropriate? It seems to me that condition has manifested itself quite frequently.

Mr. CURRY. I think there are quite a number of items usually included in the appropriation bill which are subject to points of order, which we do not want to make.

Mr. PARKER. I tried to make a point of order, but on that point of order it was held that this was a reduction of an appropriation which was allowed under the Holman rule.

Mr. CURRY. My bill if enacted will not require any further legislation by this committee or by Congress; it does not increase the number of officers or the appropriation.

Mr. PARKER. We have a perfect right to report the legislation. The question is whether we can get it through the House without the good will of the Committee on Appropriations.

Mr. HULL. That is the whole trouble.

Mr. CURRY. The sentiment of the public is behind a rectification of the inadvertent error of Congress. I have received hundreds of newspapers from all over the United States and thousands of letters from people I never heard of expressing the hope that this bill will be enacted to rectify the error that was committed. Mr. Anthony will tell you, I imagine that he did not expect his bill would bring about this situation, and I think he will be willing to do anything to rectify the error.

Mr. HULL. We are up against this proposition: The fact is that unless Mr. Anthony O. K's any change in this act we do not stand any show.



If you can get Mr. Anthony to come before this committee and say that your bill should pass, then we will probably report it and pass it.

Mr. CURRY. It is not my business to get Mr. Anthony to come before this committee. Mr. Anthony will undoubtedly be asked by the chairman to appear before the committee.

Mr. PARKER. You have not said a word about your second section. What have you done as to the second section?

Mr. CURRY. I have said something about that but you were not listening, I imagine.

Mr. CROWTHER. You said that in a spirit of inadvertence the Appropriations Committee—

Mr. CURRY (interposing). I said Congress.

Mr. CROWTHER. I was going to say it was not in any spirit of inadvertence that these Subcommittees on Appropriations have done these things. It has been the result of a well-formulated plan.

Mr. CURRY. I am not finding any fault with the Appropriations Committee.

Mr. CROWTHER. But I am.

Mr. HILL. We would be glad to find fault with them on this subject.

Mr. CURRY. I am saying that Congress inadvertently made an error.

Mr. PARKER. Have you mentioned sections 2, 3, and 4 of your bill and what they do?

Mr. CURRY. Yes. I have explained the purposes of the bill.

Mr. PARKER. What is the change in the third proviso?

Mr. CURRY. You have but a few minutes remaining before the committee will have to adjourn and all of that information will be given by Major Benedict, detailed by the War Department, to explain the technical details of the bill.

Mr. HILL. Will we have time for a few moments of executive session?

Mr. MCKENZIE. I do not know.

Mr. HILL. Because I should like to have a vote on the Bursum bill.

Mr. CURRY. Mr. Hill, before you ask for anything on the Bursum bill, Major Benedict is here from the War Department to appear in favor of this bill and I will give way now.

Mr. HILL. I would like to say a word about this Curry bill. I am entirely in favor of the Curry bill. We have our whole national defense policy under test at this moment. Regular Army officers are being thrown out at a time when they are needed to instruct and organize the reserves and National Guard. We all fought this bill when it was in the House.

Mr. MCKENZIE. Let me say this to you and the other members of the committee. It is very apparent we will not get through to-day. We will hear Major Benedict if we can and then, of course, if Mr. Anthony wants to be heard he can be heard because I believe he has some substitute proposition he wants to offer for the Curry bill. So it is necessary that we meet again, say, Thursday. We have not a quorum here and there is no use of trying to force anything.

Mr. HILL. I understand there is not a quorum and that we can not vote on executive business to-day.

Mr. MCKENZIE. No; there not being a quorum present we could not do that. My thought was, if we had a quorum, to go into executive session and lay out a program of what we are going to do, but not having a quorum we will hear Major Benedict for the present and then we will hear Mr. Anthony on Thursday. Is that agreeable?

Mr. CURRY. I will be glad to come before the committee on Thursday with a detailed statement showing the amount of saving under this bill and answer any questions. Now, Gentlemen, if the explanation I have made of the sections in the bill was not sufficient and you will ask me questions on Thursday I will answer them.

Mr. MCKENZIE. This is a rather complicated matter. We understand that.

Mr. CURRY. I know it is a complicated matter.

Mr. MCKENZIE. We will now hear Major Benedict.

## STATEMENT OF MAJ. J. L. BENEDICT, GENERAL STAFF, UNITED STATES ARMY.

Major BENEDICT. Does the committee desire that I go ahead and make an explanation of this or answer questions?

Mr. MCKENZIE. I think it would be better if you would make a brief statement outlining just what this bill does and what the purpose is. We would like to know why it is necessary, if it is necessary, and we would like to have such a statement from you as representing the War Department.

Major BENEDICT. This bill, as I analyze it, is designed primarily to widen the gap or, rather, to narrow the gap that now exists between the actual number of officers in the various grades of the Army and the authorized number to which we must reduce. The gap is very wide in the appropriations act. It cuts the number of colonels from



the authorized number of 599 to 420, and so on for the various grades, and as I see the purpose of this bill it is to narrow that gap by increasing the authorized number of officers so that such a large number will not have to be eliminated from the Army in passing from the top-heavy condition, as it has been called, to the new condition of the authorized number in the various grades.

Mr. McKENZIE. Let me ask a question right there. It was the purpose of Congress, and so expressed by many Members on the floor, to cut the commissioned personnel of the Army to a maximum of 12,000?

Major BENEDICT. Yes, sir.

Mr. McKENZIE. The legislation carried in the appropriation act was carried for the purpose of carrying out that idea, that the maximum number was to be cut to 12,000. Now, has it developed in the administration of that law that in carrying out the specific directions laid down in the legislation it will result in cutting the maximum number below 12,000 and that they will immediately have to fill up to get 12,000 by commissioning men in the lower grades—is that a fact at the present time?

Major BENEDICT. Under the most favorable interpretation that the War Department has been able to place upon the appropriation act, the strength of the Army on January 1, when this reduction is over, will be not to exceed 11,200, so that the operation of the act will cut to at least 800 below the authorized 12,000.

Mr. McKENZIE. That is the point I wanted to bring out.

Mr. CRAGO. Why is that? That is what I would like to get. Is the number of these higher officers so limited in that legislation that they have to go out?

Mr. McKENZIE. We would like to have the major explain that to us; how that is brought about.

Mr. CRAGO. As I understand it, the purpose of Mr. Curry's bill is to keep in the service more of the higher officers, from colonel on down, who are now in, and to prevent bringing into the Army new men in the lower grades. These men in the higher grades, of course, if put out at the present time, will go on the retired list and the Government will be paying them without getting the benefit of their services—that is true, is it not?

Major BENEDICT. A portion of them.

Mr. CRAGO. And you are compelled, under some provisions in this bill, to eliminate more of the colonels, majors, and captains than you think should be eliminated; is not that true?

Major BENEDICT. Yes, sir.

Mr. CRAGO. What provision is it in this bill that requires that? I would like to get at that.

Major BENEDICT. The appropriation act specifies the authorized number of officers for each grade; then it goes on and states that officers in excess of the numbers herein authorized shall be disposed of as follows, first—they shall be eliminated. Now, there is no other alternative in the Medical Department, and as to the chaplains, for instance. They must be eliminated. It provides that not more than 800 officers may be held as additional officers in their grades or may be discharged and recommissioned in the next lower grade.

Mr. CRAGO. If they had provided no limitation as to the number that might be held as additional officers would that have solved it?

Major BENEDICT. That would have resulted in decreasing the elimination from the Army to such an extent that on January 1 we might have had 12,000 officers.

Mr. McKENZIE. Suppose in that language the bill had stated that not less than 800 officers should be retained in this reservoir, and then provided for the number of officers necessary, after eliminating the inefficient officers in the various grades, to bring the maximum up to 12,000, you could have retained in that reservoir all the men you needed for absorption?

Major BENEDICT. Yes, sir.

Mr. McKENZIE. But the use of the words "not more than 800" has put on a limitation, and while you can place 800 officers of the different grades to be absorbed in these higher grades, from that on down you must cut out absolutely?

Major BENEDICT. Yes, sir.

Mr. PARKER. If you did that, you would not provide for the lack of first and second lieutenants, would you?

Major BENEDICT. Well, you would acquire a large number of lieutenants by the discharge and recommissioning of captains, and others would be acquired as fast as there were casualties in the Army.

Mr. PARKER. You would discharge first lieutenants and make them second lieutenants?

Major BENEDICT. That was the theory of the bill, yes, sir; that there should be officers discharged in all the grades below lieutenant colonel and recommissioned in the next lower grade.



Mr. CRAGO. I think there was a sort of feeling that there had been too much of a wholesale promotion of first and second lieutenants prior to this, and that was an attempt, in a rather crude way, to rectify that error.

Major BENEDICT. Yes, sir. Now, as your chairman has stated, if that law had read that not less than 800 could be held additional or moved down to the next lower grade, we could have had on January 1, 12,000 officers in the Army. I believe that was proposed and rejected, from all I have been able to learn, with the idea that in addition to handling an existing situation the morale of the future force, the one we are going to have left after January 1, ought to have some attention and that the morale would not be very high if we had a very large number of surplus officers hanging on to be absorbed and with a prospect of men having to wait years for any chance of advancement.

Mr. McKENZIE. That would block promotions.

Major BENEDICT. It would block promotions indefinitely.

Mr. PARKER. The trouble of the thing was that the corps of officers we had was not balanced to take care of the regiments in the field.

Major BENEDICT. Absolutely.

Mr. PARKER. It was topheavy.

Major BENEDICT. It was topheavy to a certain extent.

Mr. PARKER. It is better to move them down or discharge them if they have to take their chances under the bill, I think.

Major BENEDICT. The bill does not give them much of anything. They can either accept their demotion or they can get out of the Army.

Mr. PARKER. They can either be retired or get one year's pay.

Major BENEDICT. No, sir; under the bill if a man does not accept demotion he is out and does not get anything; he does not get a year's pay.

Mr. PARKER. Do you mean to say that if a colonel were asked to be a lieutenant colonel and would not take it that he would not get a year's pay or anything of the sort?

Major BENEDICT. Under the law that exists now he would get nothing.

Mr. HULL. Have we ever before in the history of the country, outside of the demobilization which occurs, of course, at the end of war, discharged men from the Regular Army without cause?

Mr. PARKER. That was done under what was known as the Benzine board.

Major BENEDICT. In 1871 there was a very material reduction made in the Army much along the lines now proposed.

Mr. HULL. Was that from the regular organization?

Major BENEDICT. Yes, sir; there was a considerable decrease, I think.

Mr. HULL. What was the size of the Army then? How many officers did we have?

Major BENEDICT. I could not tell you that, sir. It is my impression, however, that there were something like 350 officers eliminated out of a total of some 2,700. There was a board appointed and, as a matter of fact, I have heard that the man at the head of it was an officer by the name of Benzine, and ever since that time we have had Benzine boards in the Army.

Mr. PARKER. Was his name Benzine?

Major BENEDICT. Yes, sir, so I have heard.

Mr. McKENZIE. I do not suppose you would care to express an opinion as to which would cause a greater loss of morale among the commissioned personnel of the Army, to keep making reductions in the number of officers or to demote them to the lower grades. Either one, of course, is destructive of morale. Does the Curry bill prevent either or both of those; and if so, in what way does it take care of it?

Major BENEDICT. It does not prevent either or both; it permits this board of general officers, which is charged with making the reduction, to use its best judgment as to what extent it should apply absorption and to what extent it should apply demotion. The limit of 800, by the way, is removed by Mr. Curry's bill, and the only limit is that the board must cut the Army down to 12,000 officers by January 1. As to how many officers they would hold for absorption and how many they would demote is a matter in the discretion of the board.

Mr. McKENZIE. Under the existing law covering the pay of officers in the Army length of service is the basis?

Major BENEDICT. Yes, sir.

Mr. McKENZIE. What would you say as to the wisdom of demoting these officers, but permitting them to retain the pay as provided in the pay bill?

Major BENEDICT. I think there is absolutely only one solution. To-day the desire is to get a proper quota of officers in the various grades for service and under the recent service pay bill pay is based primarily on length of service. You are not changing their length of service when you demote them; you are not changing their position on the promotion list and I think that by all means their pay should not be affected.



Mr. McKENZIE. In the Army we find ourselves in this position: These men have rendered their service; many of them have had wide service but the machine is unbalanced and we want to rearrange it and get officers in the various grades so that we will have a perfect tactical organization. Now, why would it not be proper and fair to say we will demote some of these officers, but let them retain their pay? It is the penalization in pay that destroys the morale more than the fact that a man may have to serve in the capacity of a captain when he had been a major for a time. A good many of my friends when they landed in New York from France were demoted; they were made majors when they had been colonels, and they seemed to think it was an awful thing.

Major BENEDICT. I think you will find that temporary rank during war is looked upon by officers as somewhat of an honor that they do not expect to retain permanently and are reconciled to lose; in fact, many of them during the war did not adopt a scale of living or make any plans for themselves or their families in the expectation of a continuance of their pay. Now, that does not hold with a man who has a permanent commission. He has given long service and where he is getting a certain rate of pay he has made certain plans for his scale of living, made plans for the education of his children, and so on, and to take that pay away from him is going to seriously embarrass him, not only for the present but for a long period of time.

Mr. PARKER. But Mr. McKenzie asked whether if you allowed him to retain his pay he would object to being put on a lieutenant's duty when he had been a captain.

Major BENEDICT. I think a number of them will object. You have a large number of men in the grade of captain that came into the Army after the war under the act of 1920 and who stated at the time that the lowest rank they felt they could accept would be that of captain; they were given that rank and they may rather resent going down in rank.

Mr. HULL. Was not a good deal of that based on the fact that at that time they did not base their answers according to rank but based their answers on the fact that they could not take less than a captain's pay in order to support themselves and families? We have now revolutionized that by adopting the McKenzie bill, which bases it on length of service, and of course that has something to do with it.

Major BENEDICT. That is very true from the materialistic side, but of course there is the other side. You perhaps recall that in the first training camp we made quite a drive to get young men; we needed company officers, lieutenants, and we got the younger officers; then in the second camp they began to make more of a drive for older men; the result is that the older men are now on the promotion list below younger men and will find it rather hard, after having been captains and majors and some of them lieutenant colonels during the war, to adjust themselves and get down to lieutenants' duties.

Mr. HULL. That is true, of course.

Major BENEDICT. A large number of those men, I think, would lose in the process of demotion, and that is why I think it might be better to have authority to carry them as additional in their grades until they are absorbed rather than to move them down, with the chance that in moving down 250 we are going to lose 50 good officers who to-day could not see their way clear to accept demotion.

Mr. PARKER. You began an interesting statement as to how many officers we have now as compared with the number we would have under the Curry bill. Can you state how many we would have in each grade? Can you state how many colonels we have and how many lieutenant colonels we have?

Major BENEDICT. I might say that for the purpose of comparison it is futile to try to figure on the number of officers now, but if we take the number on June 30, the date the appropriation act became effective, we find that is by far the best basis for comparison.

Mr. McKENZIE. Pardon me, Mr. Parker; it is after 12 o'clock, and if we have to come back on Thursday to take up this matter why not defer these questions until then?

Mr. PARKER. That is satisfactory to me. I only wanted him to hand in a statement to go into the record so that we can use it.

Major BENEDICT. I have a complete statement.

(Thereupon the committee adjourned.)



COMMITTEE ON MILITARY AFFAIRS,  
HOUSE OF REPRESENTATIVES,  
*August 31, 1922.*

The committee met at 10.30 o'clock, Hon. John C. McKenzie (acting chairman) presiding.

Mr. McKENZIE. The committee will please come to order. We will hear our colleague, Mr. Curry, of California, first this morning.

**STATEMENT OF HON. CHARLES F. CURRY, A REPRESENTATIVE  
IN CONGRESS FROM THE STATE OF CALIFORNIA—Continued.**

Mr. CURRY. Mr. Chairman, I notice there are several Army officers here who can give you detailed information in connection with this subject. I feel they can give you definite information, while I can only give you my opinion. For that reason I shall take up very little of your time this morning.

Day before yesterday, Mr. Anthony introduced a bill along the same general lines as mine, and designed to accomplished the same purpose. I had understood that Mr. Anthony was of the opinion that the War Department interpretation of the Army Appropriation act was erroneous and that this legislation was unnecessary. I am glad that we have his support in this effort. It will, I am sure, strengthen our position, and remove any doubt from the minds of any who may have doubted the necessity of some such remedial legislation.

So far as I am concerned, I have no pride of authorship. My only interest in this matter is my concern for the welfare of the National defense and a desire to remove a wrong about to be committed against many very worthy officers by their Government.

This committee, Mr. Chairman, is qualified to judge what legislation is necessary, and I certainly would not set my judgment on military matters above yours.

In your consideration of the two measures before your committee I would like briefly to set forth certain fundamentals that occur to me as material differences in the two measures:

First. If I am not in error it is the custom to submit such measures to the War Department for its official consideration and report. My bill has been thus submitted and officially approved by the War Department. No amendment was suggested by the Secretary of War beyond his general statement that he would have preferred 13,000 officers to the 12,000 allowed. Mr. Anthony's bill does not differ from mine in this particular. Thus we find the War Department officially sponsoring the bill I introduced.

Second. Mr. Anthony has provided for the same number of officers in the various grades, except that he has provided for 50 less captains, and does not prescribe the number of lieutenants.

Third. My bill authorizes the board of officers appointed to carry out the elimination provisions of the act to determine what number shall be reduced in rank and whether they shall be reduced or held in their present rank until absorbed.

Mr. McKENZIE. May I ask you a question right there?

Mr. CURRY. Certainly.

Mr. McKENZIE. Referring to the bill introduced by Congressman Anthony, in which he prescribes the number of officers in the higher grades, but does not specify the number of lieutenants, would it not naturally follow, from the limitation of 12,000 officers prescribed in the bill, that the number of lieutenants would represent the difference between the 12,000 and the number of officers of the other various grades?

Mr. CURRY. Yes; I am coming to that.

Mr. McKENZIE. Very well; pardon me for interrupting your statement.

Mr. CURRY. The Anthony bill compels the reduction, according to my interpretation. It seems to me in this connection that my bill offers advantages in fair dealing.

Mr. QUIN. According to your idea, how many officers will we have if your view is carried out?

Mr. CURRY. Just 12,000.

Mr. QUIN. Not more than that?

Mr. CURRY. Not one more.

Mr. QUIN. If the idea contained in this Anthony bill is carried out, how many will we have?

Mr. PARKER. There will be the same number.

Mr. CURRY. Congress has expressed itself as to the number of officers for the Army and has expressed itself as to the appropriations to be allowed for the Army. My bill does not increase the number of officers by even one. It does not increase the amount of the appropriation by one dollar. As a matter of fact, under my bill you will find that during the next fiscal year it will not cost as much as has been appropriated for the pay of the Army.



The board of officers is better fitted than Congress to adjust this delicate situation, because each officer concerned is an individual problem.

Mr. GREENE. Is there not something else involved? Does it not involve something of discipline and morale when men have become habituated to regard a certain officer as of certain rank which carries with it a degree of authority and then wake up tomorrow morning and find he no longer has that rank?

Mr. CURRY. I went into the details in regard to the disruption of the morale on day before yesterday, Mr. Greene, and I did not want to repeat to-day anything I had said before. I believe you were not here day before yesterday when I made that statement.

Mr. GREENE. Very well.

Mr. CURRY. Certainly the morale of the Army officer personnel has been seriously disrupted. They do not know where they stand; they have not the same unity of purpose, nor can they have the same morale until they know that the Government is going to keep its contract with them just the same as the Government compels them to keep their contract with it. They do not know where they are going to be tomorrow; they do not know what their rank is going to be; there is an absolute disruption of morale among the Army officers.

Mr. GREENE. Is it not true that that same idea may be carried still further than that? When there is an uncertainty, no matter how indefinite or vague, about the authority and responsibility, you may be sure there is a clear question of uncertainty as to the control he has over his men.

Mr. CURRY. It disrupts the morale of the men and demoted officers do not have the same control over them. There is not the same discipline, and you can not expect it.

Some officers are so eminently qualified they should under no circumstances be reduced. Some hold ranks they may not be fully qualified for, and other officers may be utterly unqualified for the duties of a commissioned officer. My bill permits the Board of General Officers to thrash out each individual case and thus each officer will have a hearing and be treated impartially. If you fix a hard and fast rule compelling demotion, and failing to provide for absorption in the ranks, I very much fear grave injustices will be done. It seems that some do not seem to grasp that anything beyond commercialism can enter into this. Mr. McKenzie's act fixes the pay, so that injustice in pay will not occur, but rank means much to an Army officer. It affects an officer of the Army to demote him in rank practically the same as it would affect this committee if you were told that your positions on the committee were to be readjusted, or if some of you were to be dropped from the committee who desired to continue to serve on it. There is pride in rank and in position, and it is humiliating to be demoted. We ought to let the Board of Army Officers handle the whole thing. They can do it most delicately and most justly to all concerned.

FOURTH. Before introducing my bill in the House I had one of the legislative drafting clerks go over the bill with me in detail, so that there could be no doubt it was in proper form. We maintain this service in the House at considerable expense, and the effort is for uniformity in legislation. I believe this service has already more than paid for itself. One of the important rules that is laid down in the behalf of uniformity in legislation is that when an act is to be amended the amendatory legislation shall be drawn as an amendment to that act. My bill is so drawn. Mr. Anthony's bill is drawn as an amendment to the Army appropriation act, but does not specify the parts of the act amended, or in detail clarify the act, so that the enactment of Mr. Anthony's bill in its present form would, I fear, lead to further confusion, and it seems to me we have had confusion enough.

Generally speaking, Mr. Anthony has accepted the important provisions of my bill and incorporated them in his bill. But there are important differences in my opinion, and it would seem to me that it would be well for the committee to secure the best expert advice from the War Department on these differences before acting.

If it is then decided to accept the provisions of Mr. Anthony's bill, I believe it should be redrafted along the lines of my bill in form so that when it becomes a law it will be entirely clear wherein the act is amended and that the act will then read clearly and state precisely what it means. In other words I believe the bill you report should specifically amend specific sections of the act in the interest of clarity. I believe that when Mr. Anthony's bill is analyzed it will be found that the demotions will fall heaviest on former emergency officers. From my investigation of it, it will demote close on to 2,000 captains, 700 of whom are World War heroes; most of them are older than their seniors on the captain list, and older than a goodly number of majors. I am told that the demotions will just cover this class of officers who, on account of their age, will retire as first lieutenants and captains.

Mr. MCKENZIE. Right there, let me ask you this question: I have looked over your bill. You provide for 12,000 officers?

Mr. CURRY. Yes.



Mr. McKENZIE. But you take care of the officers in the higher grades, making them extra numbers, so that they may be taken up by absorption?

Mr. CURRY. Yes.

Mr. McKENZIE. And you leave vacancies existing in the grades of first and second lieutenants?

Mr. CURRY. Yes.

Mr. McKENZIE. You have 12,000 officers, but they are not distributed through the grades from second lieutenant to colonel in the relative proportion that we intended when we enacted the national defense act.

Mr. CURRY. No.

Mr. McKENZIE. Your object in doing that is because of the emergency that exists and in your desire not to do an injustice to any officer in a higher grade, and you think that by holding the matter for a time it will cure itself. That is your idea?

Mr. CURRY. That was my idea entirely.

Mr. GREENE. You fill in from the bottom; those vacancies will be taken care of by filling in from the bottom, and nobody at the top who deserves to stay will be removed.

Mr. CURRY. Nobody at the top who deserves to stay will be removed. In the lieutenants, I have not segregated the first and second lieutenants, but I have just provided for a certain number of lieutenants in the Army, and the War Department can separate them into first and second lieutenants.

Mr. McKENZIE. This is also true, is it not, that the provision in the Army appropriation bill dealing with this subject simply states that the maximum number of officers shall not exceed 12,000?

Mr. CURRY. Yes.

Mr. McKENZIE. But it does not mean that it may not be less than 12,000?

Mr. CURRY. That is true, but of course it would not be less than 12,000. They would probably, under the appropriation act, reduce the number considerably below 12,000 and then fill in by having examinations of young men from the outside and bring them in as second lieutenants or first lieutenants.

Mr. McKENZIE. This is my thought, and you have undoubtedly thought of it: Under your bill, if we fix the number at 12,000 and have vacancies in the grades of second lieutenant and first lieutenant and the officers retained up to the full number of 12,000 hold over until, say, next June, when the class at West Point graduates, what are you going to do with those graduates with the number of officers limited to 12,000?

Mr. CURRY. I understand the Army can absorb all the graduates from West Point under the provisions of my bill. General Harbord is here and he can explain that to you. I have not discussed it with General Harbord, but I am of the opinion—the fact is, I know that all the graduates from West Point under the provisions of my bill may be absorbed.

Mr. GREENE. May I suggest something? Regardless of the contemplated purpose of your bill, I think the experience of The Adjutant General's office shows that you can reduce almost to an actuary's certainty the number of vacancies in the commissioned personnel from year to year, and that it is quite a large per cent. It used to be somewhere in the neighborhood of 10 per cent, I believe.

Mr. CURRY. There will always be some resignations and some separations from the service from other causes.

Mr. GREENE. In the case of the Army as with any body of men, you can not conceive that at any time it will have precisely, at noon every day, the number of men authorized by law. There is always a shortage by resignation, death, and other separations from the service. They are never quite to the limit, and I think in years past it used to be estimated that the average was quite a large percentage.

Mr. PARKER. I do not believe there was any such reduction after the Civil War.

Mr. GREENE. I am not talking about reduction; I am talking about actuary's figures.

Mr. PARKER. I am quite sure there were a large number who stayed in after the Civil War.

Mr. GREENE. I am not talking about that; I am talking about the entire personnel. They never have the entire statutory maximum and it has been estimated that year after year the average number of vacancies was quite a large percentage.

Mr. PARKER. That is true in ordinary times, but when you fill up an army after a war you will find it is different. From 1865 to 1895, practically 30 years, most of the captains had served in the Civil War.

Mr. GREENE. I remember that very distinctly.

Mr. CURRY. A great many young men from West Point, after they have been in the Army a year or two, find out they do not like the Army life, and quit. A great many of the older officers would undoubtedly quit under existing conditions, and I know of a great many officers in the Army who are sacrificing their financial interests by



remaining in the Army. There is not a man in the Engineer Corps, for instance, who could not make a good deal more money on the outside than the amount of salary they get from the Government. I know of my own knowledge of a number of very high-class officers who have sacrificed careers in professional life, and sacrificed good businesses to go into the Army and stay in the Army.

I wish you would question the officers from the War Department on this particular feature of the bill, so that there can be no misunderstanding of the effects of the measure.

Above all, let there be no uncertainty as to the effect of any measure reported out of this committee. I would prefer to let the War Department assume the responsibility as to how this reduction is to be made, rather than to place it upon the shoulders of Congress. My bill places the responsibility on the War Department; I fear Mr. Anthony's bill does not.

The only thing I want is remedial legislation that will meet the situation. I have no fault to find with the Committee on Appropriations. They are a hard-working committee and a good committee. Mr. Anthony is a splendid member of that committee. He was a member of this committee. He has done the best he could in the short time he had to consider this important matter. That Mr. Anthony made a mistake was evidenced by the fact that on the floor of the House he made a statement that 600 officers would be demoted when he knows there are over 1,700.

Mr. ANTHONY. Right there, Mr. Chairman, may I make one remark?

Mr. MCKENZIE. Will you permit Mr. Anthony to interject one statement?

Mr. CURRY. Certainly.

Mr. ANTHONY. I think you are mistaken, Mr. Curry. I do not remember having stated that there would be 600 officers demoted.

Mr. CURRY. I so remember it; if that is not true, I would like to have that corrected.

Mr. GREENE. Do you mean demoted or separated?

Mr. CURRY. Separated.

Mr. MCKENZIE. Mr. Anthony will be heard later and he can explain that.

Mr. CURRY. Anyway, there were mistakes made. The error has been committed. I would like to have some remedial legislation reported out of this committee. So far as I am personally concerned I would just as soon have you report Mr. Anthony's bill as mine, if you will amend Mr. Anthony's bill so that it will be definite and explicit and state exactly what it means, and give definite instructions to the War Department so we will not make another mistake and find ourselves in the same position in which we are at present.

#### **STATEMENT OF MAJ. GEN. JAMES G. HARBORD, DEPUTY CHIEF OF STAFF, WAR DEPARTMENT.**

Mr. MCKENZIE. General Harbord, we would like to hear from you on both of these bills before the committee. If you will give us your views then we will be glad to hear any other officers you may desire to have heard.

General HARBORD. I have read both of the bills and I consider that either one of them is a great improvement on the present law. The morale existing in the commissioned force of the Army is in a very low state at the present time, and the certainty of almost anything would be better than the uncertainty they have now.

The purpose of these two bills is a double purpose. In the first place, it is to confirm, or reaffirm a strength of 12,000 officers in the Army; and in the second place, to provide for certain readjustments in the several grades. Either one of these bills will be an economy, because to let out a certain number of officers and put them on the retired list and to replace them by new ones, means not only an increase of money to be paid out for salaries, but it means also that the necessary travel pay and allowance on the retired list will be saved. So either of these bills is an advantage in the matter of economy over the present year's appropriation act.

The differences as to the number which they prevent from leaving the service are very small. Each one allows in the neighborhood of 500; Mr. Curry's bill allows 500 exactly and Mr. Anthony's bill 450, there being a difference of 50 captains. The number in the upper grades, colonels, lieutenant colonels, etc., are practically the same. From the standpoint of the War Department there is a slight advantage in the Curry bill over the Anthony bill in the matter of the 50 captains. We think it is an advantage in keeping those men; it saves whatever there is in the way of elimination or reduction for 50 men and it gives that much more flow in promotion. It has other effects which I will refer to later.

In the matter of the lieutenants, Mr. Curry's bill provides a limit of three years before a second lieutenant can be promoted to first lieutenant. That is the only



thing that affects the numbers. Both of them limit the number automatically by a total number of 12,000. They both fix the total number of lieutenants, and Mr. Curry's bill provides for a period of three years.

Mr. PARKER. Is not the three years now provided by law?

General HARBORD. It is in the law.

Mr. PARKER. That would not be changed?

General HARBORD. That would not be changed by either bill. The provision in Mr. Anthony's bill which allows officers who are demoted under the provisions of the bill to retain their pay and allowances we think is an excellent one. I am not familiar enough with the law to know whether that would be saved to these officers who might be demoted without such provision in the legislation, but it ought to be in the bill, and is in the Anthony bill but not in the other.

Mr. GARRETT. While there is a provision in the law now in regard to this three-year period for second lieutenants, I never was exactly in sympathy with it. Is not that a rather long time for a real, competent second lieutenant to have to wait to be promoted? Of course, that is immaterial if he is not competent.

General HARBORD. I will not say whether I was a competent lieutenant or not, but it took me seven years to get my first lieutenancy. That shows you what a difference there was in the time of promotion in those days. People's ideas on promotion have changed a good deal: like the currency, they have been inflated, and a man feels that he is being mistreated nowadays if he does not get promotion sooner than we got it in the old days.

Mr. GARRETT. You think three years is a reasonable time?

General HARBORD. Yes. I do not believe the young man who comes into the Army from the Military Academy, or from civil life, or from the ranks can properly know his job and become familiar with its responsibilities in less than three years, when you consider the various things that take him away from his regular duties, such as duty with the National Guard and the Organized Reserve, and things of that sort. I think three years is not too long.

The principal difference between the two bills now before you is the difference in the disposition of officers who become surplus in the grades below lieutenant colonel. Above that both bills have the same effect. The Curry bill leaves the disposition of those men entirely to the discretion of the board of officers provided for in the appropriation act, which is evidently in line with what Congress intended. Mr. Anthony's bill leaves the board no discretion in the matter, but provides for demotion, discharge, and recommission in the next lower grade. The men who will be affected by that provision will undoubtedly be the men who came from the emergency officers. I did not have very much warning about this hearing this morning and had not time to look up the matter, but I had time to look at the Army Register a little bit and make up some figures. The number of captains to be reduced under Mr. Anthony's bill would be 985—that is, to be reduced or otherwise disposed of under his bill, which would be by demotion. However, it would be a larger number than that, because the effect would be cumulative. You would reduce a certain number of majors to be captains, and that would increase the number of captains, the limit of which is fixed, and means an additional number of captains, and that number would have to be reduced to meet the limit fixed—that is, 985 of the junior captains on the list as it now stands number 113—113 out of 985 are not emergency officers. The very great majority of them are those who came in from the emergency service.

The average age of those men is 31.44 years; in other words, these men, at the age of practically 31 years and a half, are going to be faced with the necessity of stepping down from captaincies to first lieutenancies. That is away above the average age of captains, this 31½ years, but it happens to be the average of the juniors in the grade of captain. In the summer of 1917, in the first training camps, a drive was made for young men, men who would fill the grade of company officers, and a great many men just out of their majority and some of them—well, practically all of them under 25, were commissioned as the result of the first training camps. A little later it became evident that men of a little more mature judgment were needed, and the second drive was for more mature men, which brought in an older class of men. When they came in under the national defense act they had less service than a lot of men who were junior to them in years and consequently they are junior to those men on this list and they are the kind of men who will be affected, and the young men who have gone up beyond these men do not stand to be reduced in the same proportion as these older men who came in a little bit later. So it will affect that class quite seriously. Men who are over 30 years of age will be reduced to first lieutenancies, and with the block in promotion that is inevitable under either of these bills they are going to stay in that grade a long time and a great many will probably never reach the grade of field officer before they retire.



Mr. McKENZIE. Regardless of the fact that they might have to remain in the demoted grades for a number of years the pay bill recently enacted by Congress would take care of those officers so far as pay is concerned?

General HARBORD. Yes, sir.

Mr. McKENZIE. After serving the required number of years they would draw the pay of major or pay of lieutenant colonel?

General HARBORD. Yes.

Mr. GREENE. But is not that putting it on the basis of mere commercialism and not pride of profession? These men do not want to be first lieutenants all of their lives.

Mr. McKENZIE. I understand that and I am not trying to argue it, but I am trying to get into this hearing all the facts and circumstances surrounding this matter that we are trying to solve.

General HARBORD. It will merely come to a question of rank and, of course, the question of rank has ramifications in a thousand different ways. It affects your wife, your children, your choice of quarters in a post; it affects your position at the table when you sit in a court martial; it affects you if you want to call at the White House, and it affects you here. You called me ahead of these majors and lieutenants because I am a general officer, so that there are a thousand ways in which it affects a man, his pride and his morale.

Mr. GREENE. Is it not true that apart from the social life and the relation of the people of the Army to each other in an every-day community sense that the big factor in the whole thing is a man's professional ambition?

General HARBORD. Yes, sir.

Mr. GREENE. The man who starts in as an apprentice in the military game eventually wants to be a foreman, and if he is going to be blocked for years he does not wish to stay in the game.

General HARBORD. That is the fact. In our country we have never given rank commensurate with command except in the Confederate Army. The Confederate Army had lieutenant generals and major generals with their appropriate commands. In the Civil War we reached one general and a lieutenant general, and after the war we carried a general and lieutenant general of the Army for some years, and in the late war we managed to get two lieutenant generals and one general. But in the armies of the earth generally rank is commensurate with command and a man of a certain grade commands a certain unit. You take a troop of cavalry or a company of infantry and you have the question of whether an indifferent captain shall command it as compared to a fairly good first lieutenant, but we find in the long run that rank means something, and that the same man will do it better as a captain than he will as a first lieutenant. That is human nature and there may be something of psychology in it; I do not know, but I do know from over 30 years' experience that it is our belief in the Army that a man will do better commanding an appropriate command if he is a captain than if he is a first lieutenant.

Mr. FISHER. I do not know whether or not you have heard or learned of the hostility in a great part of the country, certainly in my section, at the action of the War Department in promoting everybody to the higher ranks and leaving the second lieutenants blank. Did the War Department consider it mandatory to fill the higher ranks and leave vacancies in the rank of second lieutenant?

General HARBORD. We had no option under the law. If you will read the National Defense Act you will find that when a man comes to the top of the list and there is a vacancy for him that the War Department has to send in his name.

Mr. FISHER. I find it very embarrassing, the hostility of the people to the action of the War Department in rushing the promotions, and then when Congress decides that the commissioned personnel ought to be reduced complaining about the officers in the higher ranks having to be put out.

General HARBORD. We have experienced the same thing. We have been subjected to ridicule and they talk about the second lieutenants being as extinct as the dodo. We have had that sort of thing, but under the law we had no option than to send in the names of men when vacancies existed above.

Mr. PARKER. Are there not two constructions to be put on that law? It says that the next man shall be appointed, but if you put the accent, as I would, on the next man it means that he has the first right to appointment but it does not mean that he shall be appointed.

General HARBORD. The only safety we have is to go by the opinion of the Judge Advocate General, and General Crowder and the rest of them have so held. The regularly constituted law officers of the War Department have held that we have to do it.

Mr. GREENE. I think the idea of those at this table when they framed the law was that the grades should be filled, and the question as to the fact that there were vacan-



cies in the grade of second lieutenant is not related to the policy of the law at all; it is related to the fact that when they went to recruiting they did not get enough to fill all of them, and therefore the bottom is empty.

Mr. PARKER. That would be so if you filled the high ranks first.

Mr. GREENE. You do not fill the high ranks first. When you put a man into a groove in the Army he goes as far as his weight will carry him.

Mr. PARKER. I think it ought to be perfectly plain that no matter how many officers we have they should be distributed according to the proportions in the grades.

Mr. GREENE. What we did was to create a certain framework, and they are going out and getting recruits to fill it.

General HARBORD. If it were left to executive discretion I think you can easily see that it might lead to very grave abuses.

Mr. PARKER. It was not my idea to leave it to discretion, but to say by law that no matter how many officers you had they should be distributed among the various grades in such proportion so that as you got more men you could make more promotions.

Mr. GREENE. That is exactly what the law did provide, but they did not get enough men to fill those vacancies.

Mr. PARKER. You do not understand me.

Mr. GREENE. I do.

Mr. PARKER. I say that if you have a certain list of officers it should be the law that that list of officers should be distributed in the same proportion in each grade.

Mr. GREENE. Then you go on the theory that you are readjusting your army from day to day, because if the army did get down below a certain minimum in a certain grade you would have to readjust it from day to day, which is absurd.

General HARBORD. The provision in the bill which gives the pay of their grade to the retired officers who are on this board is a very good one. Those officers, under the present law, are not getting the pay of active service and it is actually costing General Dickman money to serve on that board. I understand he says he does not mind working for nothing but he objects to paying \$500 or \$600 a month for doing it. He is up here at great expense, and that provision ought to be preserved in whichever bill is finally reported. My own judgment would be that a combination of these two bills would be better than either and that either is better than the existing law. I think that the matter of whether or not these men shall be eliminated or be demoted could safely be left to that board of general officers, as it was in the original law. I am perfectly sure they would welcome the fixing of it by Congress, however, and thus relieve them of the thing. They would be glad to pass the buck if you want to take it.

Mr. McKENZIE. Is not one of the great differences in these two bills in the fact that the Curry bill provides for a reduced number by elimination and absorption and the Anthony bill provides for elimination and demotion?

General HARBORD. That is the difference.

Mr. McKENZIE. The real gist of the whole proposition is on the question of demotion, is it not?

General HARBORD. Yes, sir. Either one of these bills will permit that board to go further on the matter of elimination than is actually prescribed in numbers, that is, there is discretion in both of these bills and in the existing law which would allow that board to eliminate still further, which will answer that question of doubt as to whether there will be vacancies for the next class from West Point. In addition to the ordinary casualties which occur in an army this board can eliminate still further.

Mr. McKENZIE. Here is another thing we ought to think about, and that is the future years that come along and not just at the present. Now, under the Curry bill—and I am for action on this one way or the other; I think we ought to do something—by placing so many officers in the higher grades to be taken care of by absorption, will it not affect the flow of promotion through the coming years to the greater detriment of the officers than the scheme of demotion?

General HARBORD. It will stop it for a very long and indefinite period and stop promotion.

Mr. McKENZIE. Of course, demotion will stop promotion to a certain extent. I am not capable of explaining it or saying whether it is a factor or not, but it simply occurs to me that it would be absolutely blocking promotion to undertake to take care of all of these officers by absorption.

General HARBORD. It will block it for a very long time; there is no question about that at all. On the other hand, under the Anthony bill, if these men are demoted, it means as soon as a vacancy occurs promotion will resume and they will begin to go up slowly.

Mr. McKENZIE. I can understand why this is not only an embarrassing matter so far as the committee is concerned, but that it is an embarrassing situation for the War Department. It is a difficult thing for those in the War Department to be called



upon to determine just which of those two methods to recommend to Congress for adoption, because both of them have a certain sting that is going to hurt quite a good many officers.

General HARBORD. As a matter of fact, in an extreme case it would be possible for that board of general officers under Mr. Curry's bill to demote exactly the same number of people that Mr. Anthony provides will be demoted, that is, the one bill grants it that discretion and the other one does not. How they will exercise that discretion if it is given them nobody can say, but the chances are they will eliminate a certain number and keep a certain number to be absorbed and demote some others.

Mr. McKENZIE. Here is one other thing we have to take into consideration, it seems to me, in trying to solve this problem, and that is the question of elimination of officers; whether it is better to eliminate these officers and keep within the numbers prescribed in the law in the various grades or to demote those officers. For instance, take a man in the grade of major. He may be a very promising or good officer; but of course he must be eliminated, and will have to be eliminated if something is not done. I am quite certain there are not enough inefficient officers in the Army—at least I should hope that was true—to carry out the provisions as provided in the appropriation bill as construed by the War Department, so that we will not only have to get rid of the inefficient officers but get rid of some very good officers. Now, this is the question: Is it better to take one of those good officers, as far as the country is concerned, and demote him temporarily, having his pay protected and holding him in the organization, or put him out under the provisions of the retirement law with one year's pay? That is the serious question.

General HARBORD. You can take it by a matter of extremes. How efficient do you suppose Mr. Taft would be if he were reduced to the position of district judge after having been Chief Justice of the Supreme Court of the United States? Would the President be willing to step down and be Vice President?

Mr. McKENZIE. However, would it not be better for the people of the United States who have cases to be adjudicated to have an opportunity to bring them before Mr. Taft as a district judge rather than not at all?

General HARBORD. Well, there is something to be said for that; there is no doubt about that.

Mr. GREENE. Is it understood that the law makes it necessary to take care of these demotions or absorptions en bloc, or can the board now canvassing the list of officers make a split record by making demotions here and there of certain individuals?

General HARBORD. I do not think there is any limitation on the board in that matter.

Mr. GREENE. A thought which perhaps has not come to or been dwelt upon very seriously by our friends who favor demotion is that while you say you are going to demote 900 officers, you really demote more than 900.

General HARBORD. Yes; it is cumulative.

Mr. GREENE. Instead of demoting 900 you may be demoting 1,500.

General HARBORD. It will be cumulative.

Mr. GREENE. And the question is, will the last 1,500 be demoted or will the board make selections? Those figures are very deceptive because, as the general has pointed out, the vacancies accumulate and make more demotions necessary than the figures seem to indicate.

General HARBORD. There is a provision in one bill, Mr. Curry's bill, that these officers shall either be continued as additional officers in their grades until absorbed or shall in inverse order of standing on the promotion list be discharged and recommissioned in the next lower grade. His bill provides it will come from the juniors on the list and that would mean a blocking as far as demotions are concerned.

Mr. PARKER. Which bill is that?

General HARBORD. Mr. Curry's bill.

Mr. GREENE. That is a rather anomalous thing, is it not, that as far as the eliminations are concerned—

General HARBORD (interposing). They can select.

Mr. GREENE. They can select in that respect, but when it comes to a condition which obtains among other men as to demotion there might be some reasons why some should be demoted and others not.

General HARBORD. Yes; there is no opportunity for discretion on that.

Mr. PARKER. How about the Anthony bill? Does that give discretion?

General HARBORD. I have not been able to find it.

Mr. McKENZIE. Do you desire to ask the general a question, Mr. Curry?

Mr. CURRY. No; but I would like to make a statement. I tried to draw my bill in such form as to provide for elimination, absorption, and demotion, and leave the elimination, absorption, and demotion to the judgment of the War Department. I tried to meet the question in that way.



General HARBORD. I believe all three bills leave that matter just as it is. The law provides that the demotions, if any, shall be in inverse ratio of rank; Mr. Curry's bill reaffirms it and Mr. Anthony's bill does not change it, so that under either of the bills under consideration you would have that bloc demotion.

Mr. CRAGO. I would like to know if there is not some way to meet that matter of demotion by increasing the number of majors and the number of captains. I never knew a time in the Army when companies were commanded by captains; that is, as a general rule they were commanded by first lieutenants and battalions were nearly always commanded by captains. I do not know whether any thought has been given to the matter or not, but it seems to me we could still keep the number of officers within the 12,000 if we have the number of majors and the number of captains which could properly be used.

General HARBORD. Of course, we could use them, but it is necessary to remember that undoubtedly what Mr. Anthony, Mr. Curry, and all of us have in our minds is the eventual straightening out of this thing, so that officers will be in their proper proportion in the several grades.

Mr. CRAGO. But even at the time you thought you had a proper proportion is it not true that at practically every place you would go you would find first lieutenants commanding companies instead of captains and senior captains commanding battalions instead of majors?

General HARBORD. You would find it in many instances, yes.

Mr. CRAGO. It seems to me that in the situation we have before us now it might be possible, until a certain time at least, to increase the number of majors and captains, which would at least soften the step that is to be taken.

General HARBORD. You could do that, but with the limit of 12,000 officers, by keeping those men you are preventing any entrance into the service at the bottom and you are just prolonging the day and carrying on a condition where we have no lieutenants and, with the limit of 12,000, no place to put them.

Mr. CRAGO. To the extent that in the past we have had to use first lieutenants instead of captains and captains instead of majors, I can not see that it would do that.

General HARBORD. Of course, the contention of the War Department was that there was not a necessary relation between the number of officers we had and the size of the enlisted part of the Regular Army and that we should have these officers, but Congress has decided otherwise.

Mr. MCKENZIE. If there are no further questions and, General, you have no further statement to make we would like to hear from Mr. Anthony, and then if the other officers want to be heard we will be glad to hear them. Mr. Anthony, we would like to have you explain your bill, if you will.

#### STATEMENT OF HON. DANIEL R. ANTHONY, JR., A REPRESENTATIVE IN CONGRESS FROM THE STATE OF KANSAS.

Mr. ANTHONY. Mr. Chairman and gentlemen of the committee, the situation we are trying to relieve at this time arises from the fact that when the legislation we are seeking to amend was before the conferees on the part of the House and Senate an amendment was offered on the Senate side with the idea of mitigating what the War Department deemed were some of the harsh provisions of the bill affecting the officers, through the creation of a reservoir of 800 officers, under which they could hold for an indefinite period a number of officers for absorption and thus prevent the number of demotions which otherwise would follow. The House conferees accepted that idea, compromised with the Senate and accepted that idea, but when it was enacted into law the War Department found in interpreting it that the words "not more than 800" were used, and under their construction of the words "not more than 800" it was found that it would tie up the whole number of demotions and eliminations to the 800 specified and would thus force out of the Army more men than either the House or Senate contemplated at the time of the passage of the bill. As I said, this suggestion came from representatives of the War Department, so I feel that if any error was made it was an error which came from that source and not from either the House or Senate.

Mr. PARKER. Was it new language or did it change the House provision?

Mr. ANTHONY. It was new language. If the word "more" had been "less" there would have been no trouble, but the word "more" was in there and just the difference between the words "more" or "less" has brought about this situation. I thought at the time and still think that a construction of the intent of the language, as is usually the case in interpreting acts of Congress, would still permit the intent of the act to prevail, but nevertheless the safe course is undoubtedly to correct by legislation what is very plainly in the bill a limitation on the number that can be held for absorption or demotion.



Mr. GREENE. Why could we not simplify the process of legislation to correct by changing the word "more" to "less"?

Mr. ANTHONY. That could be done. That occurred to me at first and I suggested that to General Pershing but the War Department seems to desire more complete amplification.

Mr. McKENZIE. Is it not true that one of the reasons why they want further legislation is to clear up beyond any question of doubt the question of the pay of demoted officers?

Mr. ANTHONY. I think so; I think that is one of the reasons. The bill 12493, which I am now discussing, authorizes the President to proceed on the recommendations of this board regardless of the limitation of 800. That is the language of the bill; that he may proceed regardless of that limitation of 800 and eliminate and demote the number of officers this board may specify. The real difference between the two measures that are before the committee was very clearly set forth by Mr. McKenzie. One measure, the one that was previously discussed, will largely authorize the method of absorption; the bill 12493 will authorize the method of demotion and will at once and forever straighten out this question of the proper proportion of the different grades. If the provisions of bill 12493 are followed we will again have a list of second lieutenants in the Army; otherwise it will be many years before we will have enough of second lieutenants to amount to anything. Another thing that I regard as probably the most vital element in the bill is this, that if you take up all this slack in the Army through the method of absorption, it means that promotions in the Army will be stagnated for an indefinite period of time in the future, and that you will never get back to the stage of normalcy that we are all working for in the distribution of officers in the grades. On the other hand, if you face the situation that confronts you and authorize demotions in order to make amends for the rather rapid promotions that have taken place in the last few years, you will restore the proper balance in your list, and on January 1, under the provisions of this bill, the normal flow of promotions will be resumed. While most of the officers who would receive promotions would be from the men who were demoted, yet you would be getting back to some practical system.

Mr. McKENZIE. As I understand your bill, from a reading of it this morning and from your remarks, it is not your purpose to demote to any very great extent the officers in the grades of colonel and lieutenant colonel, but it will provide that they may be taken care of by absorption, and one of the reasons why you do that under your bill is because of the fact that those officers are men who have had long experience, most of them, or a great many of them, having served in the Spanish-American War, in the Boxer rebellion, and in other activities of the Government, and it is not your purpose to demote those men who have had this long service in the lower grades, but your bill strikes at the grades of major and captain. Is that true?

Mr. ANTHONY. The grade of captain will be affected most largely, and what you say in regard to the higher grades is also practically correct. The situation in the grade of colonel, as I understand it, is such that the provision of 50 extra colonels will relieve any necessity for worry about that grade. In other words, the number of retirements and vacancies that will occur in that grade will make it so that 50 additions will take care of that grade without the necessity of making many eliminations. The grade of lieutenant colonel is taken care of in the original act, and the number of casualties that will occur in that grade will bring it down to the figure that was authorized there. Therefore, the only grades that we are really concerned about are the grades of major, captain, and lieutenant.

Mr. GREENE. As a result of the war, we have in the Army a great body of comparatively young men, who commenced their service at that time, and who, by reason of a lot of fortuitous circumstances, had easy promotions in coming to the grades of captain and major. Those younger officers are in those two grades of captain and major. I do not have to point out to you, because of your long experience, that officers in those grades, because of their actual contact with the men, have more to do with the direction and formation of the Army, from the standpoint of a strong fighting army, than officers in any other grades. That is because of the fact that they are instructors and have been on the ground in actual contact with the Army. Now, the Army is faced with the problem of readjusting itself, more or less, in its tactical organization and in its administration along new lines based upon the lessons of the World War—not upon the lessons of the Spanish-American War or the Boxer rebellion, but upon the lessons of the World War. That being true, would it not be better, as a matter of general policy, to retain in the service now a greater proportion of these younger men whose minds are still pliable, plastic, or susceptible to training, and carry them on up through the higher grades, so that we can take advantage of the experience they have already had, and carry them up through the grades, instead of saving a large body of men who in the course of a very few years will be retired anyway?



Mr. ANTHONY. One of the objects that will be accomplished by these demotions will be to get in the active organization of the Army men who are properly equipped as officers. We have in the Army now so many officers in the higher grades that there are very few officers who are actively associated with or in immediate command of the men, as the gentleman from Vermont has just suggested, and by filling up this grade of first lieutenant, we will have commissioned officers in actual touch with the men. As it is now, we have practically no officers in actual touch with the men.

Mr. GREENE. In accordance with your theory, do we not have too many?

Mr. ANTHONY. No; we have practically no lieutenants, or, at least, no second lieutenants, and we have men in the grade of major who have never even commanded a company. I think it will be a good thing to let some of them go back.

Mr. GREENE. In some respects, I think that is so, but I am not altogether clear about it. I think it would be unwise, possibly, to leave the bottom entirely open to take in second lieutenants, but I would fill them in gradually. In doing that, I would not destroy the middle of the Army, and that was the thought we had in framing the reorganization bill. We did not have the benefit of your counsel then. We were afraid of having too many men growing old and rusty as lieutenants, and we wanted to have younger officers as captains, so that they might become experienced in taking responsibility.

Mr. ANTHONY. Let me say that most of the men in the grade of captain now are men of rather limited military experience. Some 700 of them have seen service in France, but the balance of them have never seen any service. Most of them saw service in the last few years, but there are very few men among them of large service. We have many young men in the grade of major. I think we have some majors who graduated from West Point as recently as 1915, and some may have been graduated later than that. I think it is absolutely essential to restore the proper balance in those grades that Colonel Parker mentioned during the earlier part of the hearing, and I think that this measure will do that. It does it through the principle of demotion, but, after all, in demoting an officer, there is no harsh action involved. It is not a severe thing, because he is guaranteed the same pay and allowances he has always received. There is, perhaps, a little matter of pride involved in it, but I think that the average Army officer is entirely willing to sink that little feeling of pride in order to get the Army back into a stable and normal balance.

Mr. MCKENZIE. Under this bill, providing for the numbers in the various grades, in saying that this whole matter would be settled by the 1st of January, 1923, you would not have in the Army 12,000 commissioned officers, but there would be vacancies at the bottom to take care of the second lieutenants coming in?

Mr. ANTHONY. There will be, but I have not those figures. Major Hammond has worked that out, and I think there will be about 1,200 second lieutenants, if I am not mistaken. There will be, at any rate, five or six hundred vacancies in the grades of second lieutenant in order to take care of the young men being examined, and the vacancies will also be sufficient to take care of the oncoming classes.

Mr. PARKER. Mr. Anthony, I see that the Secretary of War, in his letter in regard to the Curry bill, seems to urge very strongly that he would like to have 13,000 commissioned officers instead of 12,000: Would you favor that increase?

Mr. ANTHONY. No, sir; I can not see any necessity whatever for more than 12,000 officers.

Mr. PARKER. You mean to say that if it should provide for 13,000 commissioned officers, you would not favor it?

Mr. ANTHONY. No; I think that a maximum of 12,000 officers is fair, and Congress would then be giving all that it should give. Let me say to the committee right here that the only substantial difference between Congress and the War Department and the Secretary of War is in the matter of allowing 1,000 additional officers. In connection with the Pershing bill, which has been before this committee and which has had some publicity, I will say that there was no question in General Pershing's mind, and he so stated, that he could easily get rid of 1,000 of the least efficient officers, as I believe they called them at that time. That would bring the number down to 12,000. We accepted that much of General Pershing's recommendation in our consideration of the matter, and made the maximum number of officers 12,000 upon the theory that he had 1,000 officers that he could well afford to dispense with, but we refused to go so far as authorizing 1,000 additional officers in years to come. Therefore, I can not see that the provision of 12,000 officers will work any hardship whatever on the Army. In fact, I think it will result in an improvement for the Army.

Mr. PARKER. I was simply asking that because of the fact that this is an urgent measure, and we probably could not get it through without the aid of the Appropriation Committee. You say you would not approve a measure providing for 13,000 officers?



Mr. ANTHONY. No, sir; I think it will be better to stick to the maximum of 12,000, which number has been accepted.

Mr. HULL. You are opposed to the Curry bill, are you not?

Mr. ANTHONY. I am opposed to the principle of absorption in the Curry bill, because from the standpoint of the morale of the Army, I think it would be a bad thing. It would result in a stagnation of promotions for years to come. I think that if you should adopt that principle of absorption and undertake by that means to take up the slack in the Army, in a year or two this committee would be called upon, because there would be such a hue and cry raised in regard to it, to pass a bill relieving the situation caused by the stagnation. The best thing to do is to face the situation and restore the proper numbers in the various grades, and thus insure the proper flow of promotions.

Mr. HULL. That is what we are trying to do. Let us look at it from the parliamentary standpoint, which is the real standpoint, and in order to secure consideration for it on the floor of the House, we will have to have the indorsement of the Appropriations Committee of any measure we submit.

Mr. HULL. I would like to interrupt the proceedings just one minute in order to bring a very curious situation to the attention of the committee: The officers of the reserve division were ordered down to Camp Meade for 15 days' training. The act provides that they shall have 15 days' training, but because of some curious kink the comptroller says that the 31st of August, which happened to come in that 15 days, did not count. He claims that there is no such thing as the 31st day of the month in the Army under an old act. Therefore, they called it 14 days. Now, under the 1921 appropriation bill, page 38, there is a proviso that takes care of the National Guard officers in that regard, and I think that through inadvertence the reserve officers were left out. It seems to me that the matter is one that should be corrected.

Mr. MCKENZIE. You might prepare an amendment covering it.

Mr. HULL. Mr. Anthony, do you think that this situation should be taken care of by an amendment to the bill?

Mr. ANTHONY. I think it is entirely proper, and it should undoubtedly be taken care of.

I have had Major Hammond to go over this matter very carefully with me, and he can furnish the actual figures in reference to the officers and changes in the various grades.

#### STATEMENT OF MAJ. T. W. HAMMOND, UNITED STATES INFANTRY.

Major HAMMOND. Mr. Chairman, in the first place, the Anthony bill, in the last proviso on page 2, provides that the discharge and recommission of officers in the next lower grade shall not operate to reduce the pay or allowances which they are now receiving. Just to illustrate what the effect would be on demoted officers if that proviso were not included in the bill, I would like to call attention to a concrete example. I have taken the case of a major who is practically sure to be demoted under the present law or under either of these substitutes. He is a man who has had 10 years' service, 6 years commissioned and 4 years cadet service. This particular man I have in mind is a man who has had four years' cadet service, but it would apply also to a man who has had previous enlisted service, or to a man who has had any other service, as, for example, as contract surgeon, pay clerk, or any other of what we call accredited service. By the pay bill passed June 10, 1922, it is provided that officers then in the service shall retain for the purposes of pay credit for all the service that they were then counting under the existing law, but that in the case of officers appointed after the date of the passage of the pay bill, there should be counted only the commissioned service in computing the pay.

Now, as I understand it, the comptroller is about to render a decision which in effect is that the demoted officer is, in the machinery for demoting him, actually separated from and put out of the military service, the comptroller holding that he is discharged from one commission and appointed to another. It is the contention that that puts him out of the service, and that he then comes under the designation of an officer appointed to the Army after the date of the passage of the pay bill. For that reason, the comptroller rules that he forfeits all of that accredited service. In some cases, a man may have as much as 15 or 20 years of service of a kind which now counts and which has always counted. This ruling would deprive him of the benefit of that service. Now, this particular individual is a major of 10 years' service. Being a major of less than 14 years' service, he is not in the major pay period in the pay bill, but under the provisions of that bill he is authorized to retain his 1908 major pay. This major on June 30, of this year, was drawing his 1908 pay plus the bonus, which was a temporary increase. He was drawing \$4,440 a year.



Under the pay bill, he lost a part of the bonus, but he was allowed to retain his 1908 pay. The 1908 pay, plus the subsistence allowance, which was put into the pay bill as a new thing, gives him \$4,038 a year. Therefore, under the pay bill, this man has already been reduced in pay in the amount of \$402 a year below what he received last year. Under the comptroller's decision, this man, upon being demoted to the grade of captain, and having less than seven years of commissioned service, and not having any other kind of service under the comptroller's decision, would really be put on a parity with a first lieutenant. In other words, so far as pay is concerned, he will be demoted clear back to the grade of first lieutenant. He would suffer a total reduction of \$1,802 in his pay. This is just one example that we worked out.

There are other cases where they would lose a great deal more than that, and other cases in which they would not lose as much as that. I simply call attention to that to show the importance of including in any bill you report this provision of the Anthony bill which safeguards the pay of a demoted officer. In that connection, I would like to say that the Act of June 30, 1922, safeguards the promotion list standing of the demoted officer, which is not changed, and it also safeguards the relative rank of the demoted officer, so that he is in the same position, with respect to rank, so far as the promotion list officers are concerned, that he was in before he was demoted and under this provision of the Anthony bill he will be drawing the same pay. Therefore, if you include this provision of the Anthony bill, all that you will do will be to simply change the line dividing majors from captains, without changing the status so far as pay is concerned, or so far as relative rank among those on the promotion list is concerned, or so far as their standing on the promotion list is concerned. Now, the thing that I think is in Mr. McKenzie's mind in reference to their comparative standing on the promotion list is this: This major may be senior to certain Medical Corps majors, because his commission as major antedates theirs. Now, they remain as majors because there is no demotion in the Medical Corps. Therefore, a major in the Medical Corps who is now junior to this major on the promotion list would, on the demotion of the promotion list major, actually be senior to him, because he would be in the grade of major and the other would be in the grade of captain. In those few instances where those two officers would be associated together, the difference in rank would be noticeable. Otherwise, as to promotion list officers there would be no change in their relative standing.

So far as the figures showing what these bills will do are concerned, all of them, those under the present law and those under the two substitutes are left so much to the discretion of the board that there is nobody who can sit down and tell exactly what will happen, because the board will determine that. I imagine that the board itself does not know yet just exactly what solution it will apply if the present law is carried out, and, of course, it does not know what solution it will apply if either of these bills is enacted. The members are going over the record of every officer in the Army, from the highest ranking officer to the lowest ranking officer. They are going over the record of the best officer in the Army equally with the record of the poorest officer in the Army, so that when they do arrive at a solution, it will be based upon an examination of the records of all the officers in the Army, and they will exercise their discretion on that basis under the terms of whatever law is in existence at the time they have to do that. The board under one bill could work out one solution, where they would eliminate and would make practically no demotions or absorptions, and under the other they could work out a solution where they would have a minimum of eliminations. Under the present act, it would be determined by the limitation of 800, but under either of these bills it would depend upon the total strength of the Army. They must go below 12,000. Under the Curry bill they could demote and absorb as much as they wanted to, and under the Anthony bill they could demote as much as they wanted to.

Mr. PARKER. Does the Anthony bill give more power or less power to the board than does the Curry bill?

Major HAMMOND. I should say that the Anthony bill gives more power to the board in one way, and the Curry bill gives more power in another way.

Mr. PARKER. What is the difference?

Major HAMMOND. The Anthony bill gives the board power to modify the authorized strength of five grades of the Regular Army on the promotion list. The Curry bill does not give the board that power, but the Curry bill, on the other hand, gives the board power to retain temporarily additional officers for absorption in the various grades. The Anthony bill does not give the board that power. There are other differences, but I think that answers your question.

Mr. HULL. You authorize the President, or this board, to increase the strength of the Army over the provisions in the act. I suppose the act referred to is the appropriation act and not the national defense act?

Major HAMMOND. Yes, sir.



Mr. HULL. It is not provided that the number shall be increased over that permitted in the national defense act?

Major HAMMOND. Yes. You remember the numbers prescribed in the Army reorganization act determined certain percentages. For example, 4 per cent were in the grade of colonel,  $4\frac{1}{2}$  per cent in the grade of lieutenant colonel, 15 per cent in the grade of major, and so on. The Army appropriation act, which is now the law, adhered strictly to those percentages. Of course, the numbers were changed because the total strength was changed, but the percentages were adhered to strictly, except that in order to accomplish the purpose of the conferees it became necessary to change the authorized percentage of  $4\frac{1}{2}$  allowed in the Army reorganization act in the grade of lieutenant colonel to  $5\frac{1}{2}$  per cent, so as the law now stands the percentages in the various grades are exactly the same, except in the grade of lieutenant colonel, where there was an increase of 1 per cent. I think the corresponding decrease was in the grade of second lieutenant.

The Anthony bill gives the board the power, within the limit of 50 colonels, 150 majors, and 250 captains, to change those percentages to that extent, which is a very slight change in percentage. The Curry bill actually, by the provisions of the bill itself, changes the strengths so that those percentages are slightly changed under either of these substitutes.

Mr. McKENZIE. That would not change the basis, but it would only be temporary?

Major HAMMOND. No, this is a permanent change.

Mr. GREENE. It is an interior distribution; the total number of officers is not affected?

Major HAMMOND. Not at all. I may say this, in view of the fact that I was here when the committee was determining those percentages. At the time those percentages were determined you remember it was done after the most exhaustive investigation of the systems of promotion in all branches of the Army, every one of which had a different system; and a study was also made of the system in the Navy. This distribution was arrived at after long study. As a matter of fact, since that time a study of this whole question has been made in the War Department, covering a period of about a year, during which they have gone into every phase of the matter, and there is not much question but that all those percentages can be slightly changed without detriment to the Army. There is no doubt about it.

Mr. McKENZIE. May I ask you another question? As I understand the situation, this board is authorized, under the Anthony bill to increase the number of majors 150.

Major HAMMOND. The law now prescribes 1,575; this would make it 1,725.

Mr. McKENZIE. What about lieutenant colonels?

Major HAMMOND. There is no change there.

Mr. McKENZIE. But an increase in majors, captains, and first lieutenants?

Major HAMMOND. An increase in majors, captains, and colonels, and a decrease, to offset that, in first and second lieutenants.

Mr. McKENZIE. In that event if the board did not exercise its power to make any change by increasing the number, then the percentages remain as they are set forth in the appropriation act?

Major HAMMOND. That is it.

Mr. McKENZIE. But in the event of a change, then if the President approves that, it has the force and effect of law, and those would be the fixed percentages in the grades?

Major HAMMOND. That is it exactly. It is merely an authority given to the board to redistribute, within the limits prescribed in the act, the officers in the various grades.

Mr. HULL. The point I want to bring out—and I am not finding fault at all, but I just want to understand it—is this: We have authorized, or we do authorize, this board to change the Army reorganization act.

Major HAMMOND. You do authorize the board to change the percentages of the officers in the various grades, as those percentages are determined by the numbers laid down in the Army reorganization act.

Mr. HULL. The effect of it is that we do authorize that change.

Major HAMMOND. You do authorize that change.

Mr. HULL. When these officers are demoted, can this board change their position on the single list?

Major HAMMOND. They can not.

Mr. HULL. As I understand it, they go down into the next grade, at the head of that grade on the single list?

Major HAMMOND. Yes; and they go en bloc. There is a peculiar situation that exists in the grade of captain. After having this up with one of the members of the board—I do not want to quote the board—I got this idea, and I think it is very im-



portant that it should be included in the bill which you report out. Take the Anthony bill, at the end of the first section. If you put in a proviso reading something like this, "*Provided further, That no officer shall be reduced by more than one grade below the grade he now holds, and the Board of General Officers is authorized, in order to prevent a second reduction in grade, to pass an officer on the promotion list,*" I think it would save the situation.

Here is the situation: The promotion list law provided that officers should be arranged on that list according to their length of service, but the law authorized the President to bring officers in in various grades, regardless of where they would stand on the list. I am referring now to captains and lieutenants. It is a fact—and there has been a great deal of discussion about it in the Senate—that there are captains in the Army who are on the promotion list down below the group of captains among the first lieutenants. One of those captains is well down the list: he is within 500 files of the bottom of the list of first lieutenants. If the language of the act as it now stands were strictly interpreted, that captain, in my opinion, would be demoted, being at the bottom of the list of captains, from the grade of captain to first lieutenant, and later finding this man at the bottom of the list of first lieutenants the board would demote him again, this time to the grade of second lieutenant. Of course, that would unquestionably drive a man out of the Army.

Mr. GREENE. He would get one more demotion before he went out.

Major HAMMOND. The effect of this proposed amendment would simply be to prevent the board from demoting a man more than once, and would give them authority to pass over that man.

There is one other point in the Anthony bill which was called to my attention, and that is this provision in section 2: "That the retired general officers who have been called to active duty for service on the said elimination board shall be entitled while so serving to the active pay and allowances of their grade." It might be ruled by the comptroller that that provision would authorize them to draw that pay only after the passage of this act, so it was suggested that words be inserted so it would read in this way: "That the retired general officers who have been called to active duty for service on the said elimination board shall be entitled from the date of detail and while so serving to the active pay and allowances of their grade."

Mr. HULL. Going back to the single list, as I understand it, if you demote 100 majors, they will go down to the grade of captain?

Major HAMMOND. Yes, sir.

Mr. HULL. But they will be at the top of the single list of captains?

Major HAMMOND. In the grade of major, that is so.

Mr. HULL. But the law says they would go to the place on the single list which their length of service entitles them to.

Major HAMMOND. No; that is the relative rank list, and that is a different thing. The position on the promotion list is fixed in general by length of service, and it can not be changed except by act of Congress. The current appropriation act made it very clear that that position would not be changed by anything in the appropriation act, and that is not changed by either of these bills.

The relative rank of officers is an entirely different thing. The relative rank of officers is determined, first, by the date of commission in grade, and if they are all dated the same date, then it is by length of service. What is done here is to insure that this new captain, that is, the demoted major, whose date of commission as a captain would be some day between now and January 1, and would therefore be subsequent to all the captains now on the list that this new captain shall not be junior to all present captains. The law simply states that he shall take his rank in accordance with his length of service, and not in accordance with the date of his commission. In other words, it assures him his relative rank.

Mr. HULL. We get so many interpretations of these laws that I want to be sure about it.

Major HAMMOND. That has never come up, as I remember.

Mr. HULL. If you are sure you are right, I am satisfied. I think that is the way it ought to be.

Mr. GREENE. His place on the promotion list is not changed in any way, because the basic law protects him, so far as that is concerned.

Major HAMMOND. There is another point that ought to be brought out; whether you employ the system of demotion or absorption, these officers are all going to be promoted into the next grade above the one from which they are demoted at the same time anyway.

Mr. GREENE. Except the individual who went into that grade on an original appointment, without length of service.



Major HAMMOND. There are about 250 captains, and even they will get their promotion to the grade of major as soon as they would otherwise, but the lieutenants have to go ahead of them to the grade of captain.

Mr. GREENE. They will not get their captaincies back.

Major HAMMOND. They will not get their captaincies back again until the man higher on the list goes up.

Mr. CURRY. I understood Major Hammond to say that the comptroller was going to rule that when an officer is demoted he is separated from the Army and comes back in again with a new commission.

Major HAMMOND. That is what I understand.

Mr. CURRY. I do not understand how the comptroller can rule that when a man is demoted he goes out of the Army, and when he comes back is reappointed or recommissioned, any more than he could rule that when a man is promoted he is out of the Army and has to be recommissioned when he comes in again.

Major HAMMOND. I agree with you on that.

Mr. CURRY. I think that is not in line with the intent of the act of Congress, and it seems to me that position is not based on law. Of course, he has the authority to rule that way, but he ought not to rule that way. It is simply an arbitrary ruling.

Mr. GREENE. It is not common sense.

Mr. HULL. May I call the gentleman's attention to this, that the comptroller never looks into the intent of Congress; he is looking for technicalities to upset the intent of Congress.

Mr. HILL. Entirely in line with that is his ruling that when the 31st of August, for instance, comes in the middle of 15 days, a reserve officer can only get pay for 14 days.

Mr. CURRY. The ruling of the comptroller is neither law nor justice, nor common sense, it is a lawyer's technical splitting of hairs, and a comptroller who rules that way on an act of Congress is not qualified for his position, in my opinion, and should be superseded by a man who is a lawyer who has a proper understanding of law and equity.

Major HAMMOND. I understand there are only two remedies when a comptroller makes such a decision, one to get a new comptroller and the other to pass another act of Congress.

Mr. CURRY. I think if the comptroller is ruling that way, we ought to have a new comptroller, one who understands law and equity.

Major HAMMOND. That ruling, so far as I know, has not been signed by the comptroller, but I was told that that opinion was written and was on the comptroller's desk. Of course, it would ruin us if any such opinion as that were rendered.

Mr. CURRY. I think Congress would not permit such an opinion as that to stand. It is ridiculous.

Mr. GREENE. May I suggest this: A man is being continued in the service because he is desired. There is a change in his grade in the service. That can not separate a man from the service. It is obvious from any canon of common sense employed in civil life that to retain a man in service you do not separate him from it, and it is now an automatic operation of law that a man who has not yet received the confirmation of the Senate is by automatic retirement of the file next above him placed in that stead, and that it goes back to the time of the vacancy, no matter how late the confirmation may come. That implies that he is not separated from the service. If you say you demote a man because you want to retain him, it would not be common sense to say you separate him from the service to retain him.

Major HAMMOND. You do have to do that. There is no question but that you have to separate him from the service if you discharge that man from the Army; he is out of the Army and you tender him a new appointment. He can refuse the appointment if he wants to. There is no power under the law that can force him to take it.

Mr. CURRY. A captain who is promoted could refuse promotion if he wanted to. Would that separate him from the Army?

Major HAMMOND. Of course, he is not discharged from the Army in order to accept the new commission.

Mr. GREENE. Why should he not be discharged from his commission and not from the service?

Major HAMMOND. It is a highly technical point and one that is too much for me. His commission is the thing which determines that he is in the service.

Mr. CURRY. A colonel is not in the service as colonel until he receives his commission from the President, is he?

Major HAMMOND. He is in as a lieutenant colonel. I do not think there is any question about that point, but the comptroller has heretofore ruled that when an enlisted man is discharged and then put back again he was not out of the service.



Mr. PARKER. This is all provided for in the Anthony bill?

Major HAMMOND. Yes, sir.

Mr. McKENZIE. Gentlemen, we are very much obliged to you.

Mr. MORIN. Is that also provided for in the Curry bill?

Major HAMMOND. I do not believe it is.

Mr. CURRY. I believe so.

Mr. HILL. I should like to offer an amendment carrying out the idea, with the correspondence with reference to it.

(The amendment and correspondence referred to follow:)

“SEC. 5. That the first proviso under the heading ‘Arms, uniforms, equipment, etc., for field service, National Guard,’ in Title I of such act is amended to read as follows: ‘That members of the National Guard and the Organized Reserves who have or shall become entitled for a continuous period of less than one month to Federal pay at the rate fixed for Regular Army, whether by virtue of a call by the President, of attendance at school or maneuver, or of any other cause, and whose accounts have not yet been settled, shall receive such pay for each day of such period; and the 31st day of a calendar month shall not be excluded from the computation.’ ”

HEADQUARTERS SIXTY-SECOND CAVALRY DIVISION,  
*Camp Meade, Md., August 30, 1922.*

Subject: Pay of Reserve officers, Sixty-second Cavalry Division, for the 15 days' annual training.

To: The commanding general Third Corps Area, Baltimore, Md.

1. In compliance with instructions from corps area headquarters, 58 officers of the Sixty-second Cavalry Division were ordered to Camp Meade to report there for their 15 days' annual training prescribed by the national defense act of June 4, 1920, and Senate Resolution 43, 1921.

2. The order was worded according to the form sent from your headquarters, which specifically requires their services for 15 days, August 20 to September 3. These officers came with the understanding that they were to be paid for 15 days' services. Yesterday the finance officer at Camp Meade sent a clerk to assist in making out the pay vouchers of the Reserve officers in order to avoid irregularities and to facilitate payment. He stated that he could not pay these officers for the 31st day of August.

3. We are now placed in a most embarrassing position. These officers in good faith will have fulfilled their contract for the full 15 days' services, and the Army will be in a position of refusing to pay them for one of these 15 days.

4. It is very important that this matter be settled immediately, as the officers are paid according to the program on Saturday, September 2, to enable them to return to their homes by September 3.

G. T. LANGHORNE, *Chief of Staff.*

[First indorsement.]

HEADQUARTERS THIRD CORPS AREA,  
*Baltimore, Md., August 30, 1922.*

TO THE ADJUTANT GENERAL OF THE ARMY,  
*Washington, D. C.:*

1. It is understood that the refusal of the finance officer at Camp Meade, Md., to pay the Reserve officers in question for the 31st day of August is based upon the telegram from The Adjutant General of the Army to the commanding general Third Corps Area, dated July 12, 1922, reading as follows:

“The law excludes the 31st day of any calendar month from computation of pay of Reserve officers called to active duty for training period. For example, reserve officers on active duty from July 18 to August 1 are only entitled 14 days' pay. Members of National Guard, when serving as such and entitled to Federal pay at rates fixed for Regular Army, receive pay for 31st day of month under authority contained in annual appropriation acts. Notify those concerned.”

2. While section 37-a of the act of Congress approved June 4, 1920, provides that a Reserve officer ‘shall receive the same pay and allowances of an officer of the Regular Army,’ it is believed that the rule that the 31st day of a month shall not be computed in calculating pay of an officer of the Regular Army is not applicable to the case of a reserve officer called to active duty under the provisions of the Army appropriation act of June 30, 1922 (Public No. 259, 67th Cong.), which provides:

“That no portion of this appropriation shall be expended for the pay of a reserve officer on active duty for a longer period than 15 days,” etc.

It is believed that in the enactment of the latter-quoted provision Congress intended that each officer should be paid for each day of active service (not exceeding 15 days in the fiscal year).



3. It is to be said that the Reserve officers in question have expected to receive pay for each day's active service (not exceeding 15 days) and it has been the view of those having immediate charge of their instruction that they would be so paid, the said telegram not having come to the attention of any of them. Failure to pay them for each day's service will, it is feared, be considered by the Reserve officers as a breach of good faith.

4. It is requested that decision be made of the question and communicated to these headquarters by September 2, 1922, at the latest.

For the corps area commander:

FRANK S. COCHEU, *Chief of Staff*.

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HEADQUARTERS THIRD CORPS AREA,  
OFFICE OF THE FINANCE OFFICER,  
*Baltimore, July 13, 1922.*

Subject: Pay.

To: Finance officer, Camp Meade, Md.

1. The following telegram from The Adjutant General of the Army to the commanding general Third Corps Area, dated July 12, 1922, is quoted for your information and guidance:

"The law excludes the 31st day of any calendar month from computation of pay of Reserve officers called to active duty for training period. For example, Reserve officers on active duty from July 18 to August 1 are only entitled to 14 days' pay. Members of National Guard, when serving as such and entitled to Federal pay at rates fixed for Regular Army, receive pay for 31st day of month under authority contained in annual appropriation acts. Notify those concerned."

R. S. OFFLEY, *Finance Officer*.

(Thereupon the committee went into executive session, after which it adjourned.)

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